



## STATE OF MICHIGAN

### Safeguarding Your Home

By State Senator Tony Stamas  
And  
State Representative Leon Drolet

“The small landholders are the most precious part of a state,” wrote Thomas Jefferson in a letter to James Madison. It is this “most precious part of a state,” the small landowners, who are at the greatest risk when government is allowed broad discretion to exercise eminent domain.

Abuse of this discretion occurs when private property is taken from one landowner and transferred to a private entity simply because the government thinks the other private party would put the land to better use.

Permitting the taking of private property for the purpose of raising tax revenue or boosting economic development, as allowed by the U.S. Supreme Court under the *Kelo vs. New London* decision, ends any distinction between private and public use of property.

It also places everyone’s property under the perpetual threat of being confiscated for the benefit and enrichment of a private developer.

The court also said, however, in *Kelo*: “We emphasize that nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power ...”

That’s why the Michigan Legislature has taken steps to provide that additional protection for homeowners’ rights.

The history of liberty is a history of the limitations of governmental power, not its expansion. The goal of protecting your private property rights bridges partisan and ideological divides, a fact borne out by the Michigan Senate’s 31-6 vote and the Michigan House of Representatives 106-0 vote to place Senate Joint Resolution E (SJR E) before the people on this November’s ballot.

Passage of this proposed constitutional amendment would place three important limitations on the fearsome power of government to take your home, farm or business for a “public use.”

First, no government in Michigan would be able to take your private property and give it to someone else just to increase tax revenues or spur economic development. Eminent domain for traditional public uses such as a road, school, railway or the eradication of blight would still be allowed.

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Second, if the taking is for purposes of eradicating blight, the burden of proof would be on the government to demonstrate by clear and convincing evidence that your property was blighted. This is a much higher hurdle for the government to cross than is currently provided in law.

Finally, if government takes your principal residence for a public use, you would have to be paid at least 125 percent of the home's fair market value.

Voter approval of this constitutional amendment will ensure stable property ownership by providing safeguards against excessive, unpredictable or unfair use of the government's eminent domain power. It will particularly protect those owners who, for whatever reasons, may be unable to protect themselves in the political process against those with disproportionate influence and power.

We hope the voters will join with the Michigan Legislature in approving this vital amendment to Michigan's Constitution this November.

Stamas, R-Midland, is the sponsor of SJR E a constitutional amendment, dubbed "MI Home," to help protect the rights of Michigan's private property owners.

Drolet, R-Clinton Township, is chair of the House Committee on Government Operations.